

Commissioner for Patents
Amendment dated June 20, 2006
Response to Office Action dated January 20, 2006
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Serial No. : 10/606,059
Art Unit: 2116
Examiner: Patel
Docket RPS9 2003 0045 US1

REMARKS/ARGUMENTS

Claims 1-20 were pending and examined. The Examiner rejected claims 4-5 and 18-19 under 35 USC § 112, second paragraph, as being indefinite. The Examiner rejected claims 1-5, 7-13, 15-19 under 35 USC § 102(e) as being anticipated by US Patent Application Publication No. 2004/0117536 to Franke et al., referred to hereinafter as Franke. The Examiner indicated claims 6, 14, and 20 as reciting allowable subject matter.

In this response, Applicant has amended claims 4 and 18. Claims 1-20 remain pending.

Claim rejections under 35 USC § 112

The Examiner rejected claims 4 and 18 under Section 112, second paragraph, as being indefinite. Applicant has amended claims 4 and 18 to recite that the switch modules interconnect the server modules. Applicant believes that claims 4 and 18 as amended are fully compliant with the requirements of Section 112, second paragraph and Applicant respectfully requests the Examiner to reconsider and withdraw the rejection.

Claim rejections under 35 USC § 102(e)

The Examiner rejected claims 1-5, 7-13, 15-19 under 35 USC § 102(e) as being anticipated by Franke. With respect to the rejections of independent claims 1, 7, and 15, Applicant submits herewith an Affidavit Under 37 CFR § 1.131, hereinafter referred to as the Affidavit. The Affidavit, which is supported by an Invention Disclosure entitled *BC + Method of Handling Hot-Swap and Cold-Start of Service Processor Minimizing Disruption to Chassis Operation*, evidences reduction to practice of the subject matter recited in the independent claims prior to the effective filing date of Franke. Specifically, the Affidavit states and the Invention Disclosure supports that the inventors conceived of and reduced to practice a concept of determining whether a power transition in a blade center (BC is the acronym for blade center) is a cold start and, if so, retrieving power state information and restoring power to modules based on the state information. The disclosure also describes querying modules that were not previously powered on to determine their respective fabric types, which forms the basis for preventing the powering on of modules having incompatible communication protocols.

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The Affidavit is signed by four of the six inventors, with inventors Franke and Woodward being unavailable to execute the Affidavit. The Affidavit further indicates that the inventors reduced the concept to practice by implementing the invention in a prototype or otherwise showing it to be workable. The Disclosure itself was created on Number 22, 2002, which is a week before the effective filing date of the Franke reference. Because the Disclosure form indicates that all inventors were located at the IBM facility referred to as IBM/Raleigh which is in Research Triangle Park, North Carolina, the Disclosure establishes that the reduction to practice occurred in the U.S.A.

Because the Affidavit and supporting documents establish reduction to practice of the claimed invention prior to the effective filing date of the Franke reference, Applicant respectfully requests the Examiner to withdraw the Franke reference as a prior art reference in this case and to withdraw the Section 102(e) rejection of the independent claims and their respective dependent claims.

CONCLUSION

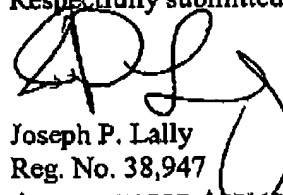
In the present response, Applicant has addressed the claim rejections under 35 USC § 112, second paragraph and 35 USC § 102(e). Accordingly, Applicant believes that this response constitutes a complete response to each of the issues raised in the office action. In light of the amendments made herein and the accompanying remarks, Applicant believes that the pending claims are in condition for allowance. Accordingly, Applicant would request the Examiner to withdraw the rejections, allow the pending claims, and advance the application to issue. If the

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Examiner has any questions, comments, or suggestions, the undersigned attorney would welcome and encourage a telephone conference at 512.428.9872.

Respectfully submitted,


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Attachments